

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RAY WILLIAMS,

Plaintiff,

COURT FILE NO.: 10-cv-00070

v.

ALLIANCE ONE RECEIVABLES MANAGEMENT, INC.,

Defendant.

FIRST AMENDED COMPLAINT AND JURY DEMAND

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).
2. This action arises out of the Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

VENUE

3. Venue is proper in this District because the acts and transactions occurred here, the Plaintiff resides here, and the Defendant transacts business here.

PARTIES

4. Plaintiff, Ray Williams, is a natural person who resides in the City of Kansas City, County of Jackson, State of Kansas.
5. The Plaintiff is an "any person" as that term is defined by 15 U.S.C. § 1692 et seq.

6. Defendant, Defendant Allianceone Receivables Management, Inc., is a foreign corporation with a Missouri registered agent of The Corporation Company, 120 South Central Avenue, Clayton, Missouri 63105.
7. The Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).
8. The principal business of the Defendant is the collection of debts using the mails and telephone, and the Defendant regularly attempts to collect debts alleged to be due another. According to Defendant’s website, “AllianceOne is a full service, broad spectrum provider of Accounts Receivable Management, Outsourcing and Call Center solutions” (www.allianceoneinc.com).

FACTUAL ALLEGATIONS

9. Sometime prior to the filing of the instant action, Plaintiff’s daughter, Diana Williams, incurred a financial obligation that was primarily for personal, family or household purposes and is a “debt” as that term is defined by 15 U.S.C. § 1692a(5), (hereinafter the “Account”).
10. The Account was allegedly not paid and it went into default with the creditor.
11. Sometime thereafter, the alleged debt was assigned, placed or otherwise transferred to the Defendant for collection from the Plaintiff.

DEFENDANT

12. In the year prior to the filing of the instant action, the Plaintiff participated in telephone calls with representatives, employees and/or agents of the Defendant who were attempting to collect the Account. These telephone calls each individually constituted a “communication” as defined by FDCPA § 1692a(2). The

calls were to Plaintiff's telephone number 816-943-3404 and originated from multiple numbers of Defendant.

13. Upon information and belief, Defendant possesses recording(s) of communications between Plaintiff and Defendant.
14. Upon information and belief, Defendant possesses telephone logs and/or electronic records of its communications with Plaintiff.
15. During the telephone calls representatives, employees and/or agents of the Defendant continued to contact Plaintiff multiple times per day after he repeatedly advised them his daughter did not reside with him, as well as caused his telephone to ring continually in violation of 11 U.S.C. 1692d preface and d(5).
16. During the telephone calls representatives, employees and/or agents of the Defendant failed to meaningfully disclose the caller's identity in violation of 11 U.S.C. 1692d preface and d(6).
17. The foregoing acts and omissions were undertaken by the Defendant and its representatives, employees and / or agents as part of a campaign of abusive and unlawful collection tactics directed at the Plaintiff.
18. The Defendant and its representatives, employees and/or agents above listed statements and actions constitute harassment or abuse and therefore violate FDCPA 1692d preface, d(5) and d(6).
19. The Defendant and its representatives, employees and/or agents above listed statements and actions constitute false or misleading representations and violate FDCPA 1692e preface, e(2)(A), and (10).

20. As a consequence of the Defendant's collection activities and communications, the Plaintiff has suffered actual damages, including emotional distress.

RESPONDEAT SUPERIOR

21. The representatives and/or collectors at the Defendant were employees of and agents for the Defendant, were acting within the course and scope of their employment at the time of the incidents complained of herein and were under the direct supervision and control of the Defendant at all times mentioned herein.
22. The actions of the representatives and/or collectors at the Defendant are imputed to their employer, the Defendant.
23. As a direct and proximate result of the aforesaid actions, the Plaintiff has suffered the aforementioned damages.

JURY TRIAL DEMAND

The Plaintiff is entitled to and hereby demands a trial by jury. US Const. amend. 7., Fed. R. Civ. Pro. 38.

DESIGNATION OF PLACE OF TRIAL

Plaintiff requests Kansas City, Missouri as the place of trial.

PRAYER

WHEREFORE, the Plaintiff prays that the Court grants the following:

1. Actual damages under 15 USC § 1692k(a)(1).
2. Statutory damages under 15 USC § 1692k(a)(2)(A).
3. Reasonable attorneys fees and costs pursuant to 15 USC § 1692k(a)(3).
4. Such other and further relief as the Court deems just and proper

Respectfully submitted,

/s/ J. Mark Meinhardt
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